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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,229	10/08/2003	Kui Yao	4249-0112P	5826
2292 7590 04/14/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER TALBOT, BRIAN K				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
04/14/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Application No.**Applicant(s)**

10/680,229

YAO ET AL.

Response to Rule 312 Communication**Examiner****Art Unit**

Brian K. Talbot

1715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 04 February 2010 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

Newly added claims 40 and 41 set forth subject matter identical to originally filed claim 37 and 38. These claims, 37 and 38, were subject to be restricted (1/16/07) and non-elected in paper filed 2/16/07. Newly submitted claims would also be subject to the restriction for the reasons given in the paper filed 1/16/07. Hence, these claims also would be non-elected and are not properly rejoinable as requested by Applicant. Hence, the request is denied.

/Brian K Talbot/
Primary Examiner, Art Unit 1715